

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT HARDEN,)
Plaintiff,) 8:06cv768
vs.) MEMORANDUM AND ORDER
CLAY HICKS, et al.,)
Defendants.)

In filing no. 6, I reviewed the plaintiff's complaint pursuant to 28 U.S.C. § 1915A(b) and 28 U.S.C. § 1915(e)(2)(B), and I gave the plaintiff a deadline to amend his complaint and provide additional details so that this action could proceed. When it came to the court's attention that the plaintiff, a prisoner, was refusing to accept mail from the court, Magistrate Judge F.A. Gossett issued an Order (filing no. 8) directing the Clerk of Court to send another copy of filing no. 6 to the plaintiff with the following message on the outside of the envelope: "ORDERS FROM THE COURT ENCLOSED. FAILURE TO RESPOND AS ORDERED MAY RESULT IN DISMISSAL OF CASE NO. 8:06cv768." The deadline set in filing no. 6 has now expired by several weeks, and the plaintiff has taken no action in response to filing no. 6 or 8. Therefore, the plaintiff's complaint and this action are dismissed without prejudice for failure to prosecute this case with diligence.¹ Judgment will be entered accordingly.

SO ORDERED.

March 8, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹NECivR 41.1 states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."